

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Helmut Emmelmann

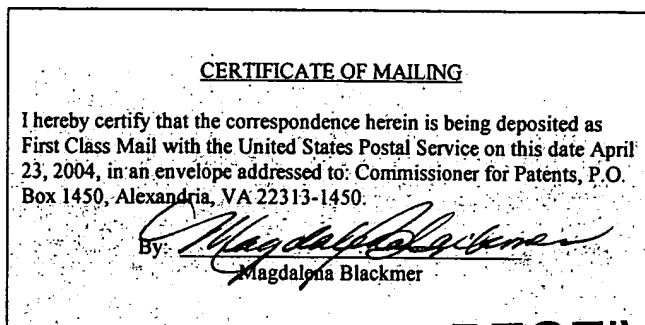
Serial No. 09/449,021

Filed: November 24, 1999

For: **INTERACTIVE SERVER SIDE
COMPONENTS**

) Group Art Unit: 2122

) Examiner: C. Kendall

**RECEIVED**

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Technology Center 2100

DECLARATION UNDER RULE 1.131(a)

Sir:

I, Helmut Emmelmann, applicant in the above-referenced patent application, hereby make the following declaration under 37 C.F.R. § 1.131(a):

1. that invention of the subject matter of claims 1-8, 22-25, 26-33, 31, 41-43, 51-55, 59-65, 69, 74, 76, 82, 84-86, 88, 90-96, 114-119 and 121-127, as currently amended, was prior to September 18, 1998, the effective date of U.S. Patent No. 6,529,910 to Fleskes, which was cited under 35 U.S.C. § 103 in rejections of these claims in the Office Action dated October 27, 2003;

2. that invention of the subject matter of claims 27-29, as currently amended, was prior to November 6, 1998, the effective date of U.S. Patent No. 6,452,609 to Katinsky et al. ("Katinsky"), which was cited under 35 U.S.C. § 103 in rejections of these claims in the Office Action dated October 27, 2003;

3. that I conceived and reduced to practice of the subject matter of the claims referenced in paragraphs 1 and 2 above prior to April 18, 1998;

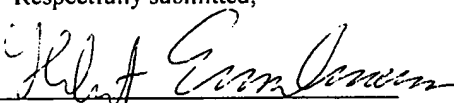
4. that my conception and reduction to practice of the subject matter of these pending claims can be shown from:

- a. development and reduction to practice of a prototype in Germany before April 18, 1998;
 - b. downloading of the prototype by a contractor (who was responsible for writing documentation) located in the United States on April 18, 1998, and subsequent correspondence with this contractor. An excerpt of the log file showing the download is attached as Exhibit 1. A CD containing this original version is attached as Exhibit 4. Copies of subsequent correspondence with the contractor are attached as Exhibit 2;
 - c. correspondence with a patent attorney located in the United States in June 1998, regarding patenting the invention(s) contained in the software. Copies of this correspondence are attached as Exhibit 3; and
5. that said evidence shows a software development system as claimed by the claims referenced in paragraphs 1 and 2 above, which was conceived and reduced to practice before the effective dates of Fleskes and Katinsky.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

Dated: 2004 - Apr - 27

By: 
Helmut Emmelmann

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